

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**THOMAS S. MANFRE,**

Plaintiff,

V.

**JEROME MAY, WILLIAM MAY,  
DAVID MAY, and R&M FREIGHT,  
INC.,**

Defendants.

Case No. 08 C 1281

Judge Matthew F. Kennelly

**R&M FREIGHT, INC.,**

Magistrate Judge Michael T. Mason

Defendant/Counter-Plaintiff,

V.

**THOMAS S. MANFRE,**

Plaintiff/Counter-Defendant.

**PLAINTIFF’S MOTION TO STRIKE DEFENDANTS’ AFFIRMATIVE DEFENSES**

Plaintiff Thomas S. Manfre, by his undersigned attorneys, respectfully requests that the Court strike the Affirmative and Other Defenses included in the Answers filed by Defendants Jerome May, William May, David May (collectively, the “May Brothers”) and R&M Freight Inc. (“R&M” and, collectively with the May Brothers, “Defendants”). In support of this Motion, Mr. Manfre states as follows:

1. In their Answer to Mr. Manfre's Complaint, the May Brothers present eight, single-sentence affirmative and other defenses. Similarly, in its Answer, R&M presents six single-sentence affirmative and other defenses.

2. As discussed further in the Supporting Memorandum being filed with this Motion, none of the Defendants' defenses are properly pled.

3. Consequently, each of the Defendants' affirmative and other defenses should now be stricken.

WHEREFORE, for the reasons stated above and in the Supporting Memorandum being filed with this Motion, Plaintiff Thomas S. Manfre respectfully request that this Court enter an order striking all of the affirmative and other defenses asserted by the May Brothers and R&M and for such further and additional relief as this Court deems just and proper.

Dated: May 2, 2008

Respectfully submitted,

THOMAS S. MANFRE

By: s/ Max A. Stein  
One of His Attorneys

Matthew J. O'Hara (Atty. No. 6237795)  
Max A. Stein (Atty. No. 6275993)  
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**CERTIFICATE OF SERVICE**

I, Max A. Stein, state that on May 2, 2008, I electronically filed the foregoing **PLAINTIFF'S MOTION TO STRIKE DEFENDANTS' AFFIRMATIVE DEFENSES** with the Clerk of the Court using the ECF system which will send notification to all parties.

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s/ Max A. Stein  
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